

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRIAN HOWARD ELLIOT,

Petitioner,

V.

ELDON VAIL and WASHINGTON
DEPARTMENT OF CORRECTIONS.

Respondents.

CASE NO. C11-5377 BHS
ORDER DENYING
PETITIONER'S MOTION

This matter comes before the Court on Petitioner Brian Howard Elliot’s (“Elliot”) motion to alter or amend judgment and to make additional findings of fact (Dkt. 56).

On August 2, 2012 and May 15, 2013, the Court denied Elliot’s grounds for relief in his petition for writ of habeas corpus. Dkts. 44 & 54. On May 28, 2013, Elliot filed the instant motion requesting that the Court “conduct a *de novo* review” of the issues in this case. Elliot, however, provides no authority for such a proposition. Two judges have thoroughly reviewed Elliot’s petition and there is no need to re-review the petition at this stage of the proceeding. Elliot may pursue his petition on appeal. Therefore, the Court

1 **DENIES** the motion. If Elliot should appeal this order, the Court also denies Elliot a
2 certificate of probable cause. *See Lynch v. Blodgett*, 999 F.2d 401, 403 (9th Cir. 1993).

3 Dated this 19th day of June, 2013.

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7 BENJAMIN H. SETTLE
8 United States District Judge
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